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SUMMARY SHEET

Subject:

PROPOSED PROGRAM REGARDING PERSONS INJECTED WITH PLUTONIUM DURING 1945-47

Purpose:

To seek Commission approval of a course of action with respect to eighteen (18) persons injected with plutonium in connection with a Manhattan Engineering District (MED) and Atomic Energy Commission (AEC) research program during 1945-47.

Chronology:

As a result of Commission consideration of this matter during recent executive sessions, the following actions, including certain alternatives, have been considered, and are now presented for Commission approval (with the exception of previously authorized and now completed action A):

A. Completed action or under way:

1. The Director, BER, has informed the directors of institutions, involved in the performance of studies on the above patients, of the need to have future studies on these human subjects reviewed by their institutional review (human use) committees.

B. Actions to be completed within three to four weeks.

Alternatives: ~~For 1~~

- 1a. The Atomic Energy Commission will seek to discover all available information regarding the matter. This inquiry will take the form of a search for documentation of events and the interview of interested parties. The investigation will be conducted by the Division of Inspection, with assistance from the Division of Biomedical and Environmental Research (BER). All interviews will be conducted on a regularized basis by a team(s) of BER and Inspection Division representatives. The detailed plans and procedures will be formulated by these two Divisions in consultation with the Office of the General Counsel. This investigation shall be conducted as rapidly and completely as possible.

or

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- 1b. The AEC will undertake a fact finding investigation regarding the matter. The investigation, to be conducted jointly by the Divisions of Biomedical and Environmental Research and of Inspection, shall be sufficiently complete to provide information required for (a) accurate Commission knowledge of the matter, (b) the capability for well informed public disclosure or for public response in the event of prior external disclosure, and (c) an adequate basis for a report to be submitted to a non-AEC review committee discussed below in C. if review by such a committee is requested. [The investigation to be conducted at this time will not necessarily establish the legal culpability of individuals nor meet the needs of the Office of General Counsel in the event of AEC liability.] The investigation will take the form of a search for relevant documentation and the interview of principals as well as persons having contributory background information. During prefatory remarks to interviews as recommended by the Office of the General Counsel, principals will be advised of their potential involvement in legal actions.]

Under either 1a. or 1b. above, interviews will be conducted in accordance with one of the following options as selected by the Commission:

- I. All interviews will be taped upon consent of the interviewed persons.
- II. Interviews of non-principals having background information and of AEC contractor personnel will be taped upon their consent. In the case of principals, an interview team will prepare a report based upon handwritten notes, return to the interviewed person for correction of that report and for his or her signature on the corrected report.
- III. No interviews will be taped, but all will be conducted using handwritten notes and the preparation of corrected, signed reports as in option II.

2. If results of the AEC investigation discussed above indicate that adequate disclosure to surviving patients and family of the exhumed patient has not been made, representatives of BER and of the contractor will inform attending physicians of the four surviving patients and the family of the exhumed deceased patient of the need for disclosure of the nature of the injections and the subsequent studies conducted on them. Disclosure will be made in such a manner that it will not interfere with the physician-patient relationship. The attending physician will determine the manner of disclosure and the recipient of the information, whether it be the patient, a relative or friend.
3. The Director, BER, and the Director, OIS, will assume joint responsibility for the prompt preparation of a response to be available in the event of public inquiry before the investigation has been completed.

C. Later and tentative actions.

If results of the above investigation indicate the need for an outside review, a committee of disinterested medical scientists shall be appointed by the President of the Institute of Medicine (or some other appropriate outside party) to review this matter, including the involvement of the Manhattan Engineering District, Atomic Energy Commission and their contractors. AEC shall make available to the committee the BER-Inspection Division report and any material information in its possession. In addition, the committee will be expected to seek any further information that it may need. The committee shall prepare a report suitable for public release upon the completion of its deliberations.

Discussion:

In accordance with certain understandings at the April 1 Executive Session, Dr. Liverman advised Dr. Robert Sproull, President, University of Rochester, and, with a representative of the Office of the General Counsel (OGC) advised Robert W. Berry, Esq., General Counsel of the Army and Dr. R. W. Green, Deputy Surgeon General of the Army of this matter. Dr. Sproull stated that "no useful purpose could

be served to the patients, the University, or the Commission by informing (four surviving) patients at this point in time of an event now thirty years past." Dr. Green expressed a similar view but advised that he would cooperate with AEC in any appropriate way in connection with this matter. Mr. Berry expressed the belief that a factfinding inquiry was important in view of the likelihood of public disclosure of this matter.

Recommendation: The General Manager recommends that the Commission:

Approve:

Coordination:

Scheduling: Consideration at an early Policy Session.

General Manager

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